

Notice of Allowability

Application No.

10/645,376

Applicant(s)

EUCHNER ET AL.

Examiner

Art Unit

Jared J. Fureman

2876

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the telephone interview on 7/12/2007.
2. ☒ The allowed claim(s) is/are 1-5,8,10-14,22-25,27 and 28.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 20070712.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

DETAILED ACTION

Receipt is acknowledged of the amendment filed on 6/29/2007, which has been entered in the file. Claims 1-5, 7, 8, 10-14, 22-25, 27 and 28 are pending.

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Ronald Reichman (26,796) on July 12, 2007. The amendments to claims 1 and 8 serve to further clarify the claims. It was determined that, after the amendments to claim 1, claim 7 was no longer needed.

The application has been amended as follows:

In the claims:

Claims 1 and 8 have been amended as follows. Claim 7 has been canceled.

1. (Currently amended) An apparatus comprising:

reading means for reading first ink physical characteristic data from an indicia,
the indicia including at least one symbol including ink physical characteristic data that is indicative of the physical characteristic of the ink;

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detecting means for detecting at least one ~~symbol that includes~~ ink physical characteristic ~~data that is indicative of the physical characteristic of the ink~~ of the indicia to generate second ink physical characteristic data; wherein the reading and detecting means comprises a single scanner that is shared by the reading means and the detecting means and

processing means, coupled to the reading means and to the detecting means, for comparing the second ink physical characteristic data with the first ink physical characteristic data.

7 (canceled).

8. (currently amended) A method comprising:

reading first ink physical characteristic data from an indicia that is included in the indicia in encrypted form and decrypting the encrypted first ink physical characteristic data;

detecting at least one ink physical characteristic of the indicia to generate second ink physical characteristic data; and

comparing the second ink physical characteristic data with the decrypted first ink physical characteristic data to verify the indicia.

Allowable Subject Matter

1. Claims 1-5, 8, 10-14, 22-25, 27 and 28 have been allowed over the prior art of record.
2. The following is an examiner's statement of reasons for allowance: The prior art of record, taken alone or in combination, fails to teach or fairly suggest: (re claim 1 and dependents) an apparatus wherein the reading and detecting means comprises a single scanner that is shared by the reading means and detecting means and processing means, coupled to the reading means and detecting means, for comparing second the second ink physical characteristic data with the first ink physical characteristic data; (re claim 8 and dependents) a method comprising reading first ink physical characteristic data from an indicia that is included in the indicia in encrypted form and decrypting the encrypted first ink characteristic data and comparing the second ink physical characteristic data with the decrypted first ink physical characteristic data to verify the indicia; (re claim 22 and dependents) a method comprising determining a physical characteristic of ink to be applied to a substrate and applying ink to the substrate to form an indicia such that the indicia includes at least one symbol, the at least one symbol including ink physical characteristic data that is indicative of at least one spectral characteristic of the ink; in combination with the other limitations as set forth in claims 1, 8 and 22.

Leon (US 6,701,304 B2) teaches an apparatus (500, figure 5) including a reading means (510 or 520, figure 5) and a detecting means (530, figure 5). However, Leon teaches that the reading means and detecting means are separate (see figure 5 and

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column 13, lines 18-33), not a single scanner shared by the reading means and the detecting means. Leon states that the detector 530 is designed to detect features not detected by readers 510 and 520 (see column 13, lines 27-32). Leon also fails to teach or suggest reading first ink physical characteristic data from an indicia.

Liang (US 6,373,965 B1) teaches an apparatus and method for authentication using both fluorescent and visible images. The apparatus uses a single scanner (scanner 60 and detector 40, figure 1) to detect both the fluorescent and visible images. However, the apparatus and method does not read or detect a physical characteristic of the ink, only the presence of the ink and whether the fluorescent and visible images correspond.

Without the benefit of applicant's teachings, there is no motivation for one of ordinary skill in the art at the time of the invention to combine the prior art in a manner so as to create the claimed invention.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."


Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The teachings of Liang (US 6,373,965 B1) have been discussed above.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jared J. Fureman whose telephone number is (571) 272-2391. The examiner can normally be reached on 8:00 am - 5:30 PM M-T, and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


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Primary Examiner
Art Unit 2876

July 18, 2007